

JT12 Rec'd PCT/PTO 07 APR 2004

PATENT

Attorney's Docket No. 14-728P/US C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class _____ Subclass _____

PRIOR APPLICATION Serial Number 10/070,402

Examiner: C. Goodman

Art Unit: 3724

BOX Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

CONTINUATION APPLICATION TRANSMITTAL



This is a request for a filing the enclosed Continuation application under 37 CFR §1.53(b).

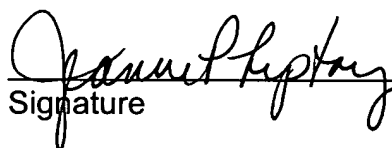
Papers enclosed are:

- 19 Pages of Specification (copy of parent)
- 6 Pages of Claims (copy of parent)
- 1 Pages of Abstract (copy of parent)
- 9 Sheets of Drawings (15 formal/____ informal) (copy of parent)
- XX Information Disclosure Statement

RECEIVED
APR - 9 2004
OIP/E/JC/S

Certification Under 37 CFR 1.10

I hereby certify that this Continuation Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 7, 2004 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number EV 310021175 US addressed to the: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.


Signature

I. PARTICULARS OF PRIOR APPLICATION

A. Application Serial No. 10/070,402 filed March 1, 2002.

B. Title (as originally filed): POWER OPERATED ROTARY KNIFE
(and as last amended - if applicable): _____

C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

1. FULL NAME OF INVENTOR	FAMILY NAME HERRMANN	FIRST GIVEN NAME Raymond	SECOND GIVEN NAME J.
RESIDENCE & CITIZENSHIP	CITY Westlake	STATE OF FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP U.S.A.
POST OFFICE ADDRESS	POST OFFICE ADDRESS 1131 Fernwood Drive	CITY Westlake	STATE & ZIP CODE/COUNTRY Ohio 44145 U.S.A.
2. FULL NAME OF INVENTOR	FAMILY NAME WHITED	FIRST GIVEN NAME Jeffrey	SECOND GIVEN NAME A.
RESIDENCE & CITIZENSHIP	CITY Amherst	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP U.S.A.
POST OFFICE ADDRESS	POST OFFICE ADDRESS 675 Cobblestone	CITY Amherst	STATE & ZIP CODE/COUNTRY Ohio 44001 U.S.A.
3. FULL NAME OF INVENTOR	FAMILY NAME LEIMBACH	FIRST GIVEN NAME Robert	SECOND GIVEN NAME L.
RESIDENCE & CITIZENSHIP	CITY Wakeman	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP U.S.A.

POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	11314 West Road	Wakeman	Ohio, 44819 U.S.A.

II. INVENTORSHIP STATEMENT

☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are ☒ the same as, ☐ less than, those named in the prior application; and it is requested that the following inventor(s) identified above for the prior application be deleted: _____

☐ This application discloses and claims additional subject matter with respect to the prior application and a new declaration is forthcoming. With respect to the prior application whose particulars are set out above the inventor(s) in this application are ☒ the same, ☐ add the following additional inventor(s): _____

☒ The inventorship for all the claims in this application is ☒ the same, ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

III. DECLARATION OR OATH

☒ Continuation or division: ☒ none required.

☐ Continuation-in-part ☐ attached (executed by inventor(s)), ☐ not attached.

IV. IDENTIFICATION OF CLAIMS

The fees to be charged are to be based on the number of claims as a result of:

☒ the attached preliminary amendment.

☐ entry of the amendment filed under 37 CFR 1.116 on April 6, 1998, in the prior application, which is requested to be entered therein.

☐ the claims as on file in the new CIP application.

V. FEE CALCULATION

CLAIMS AS FILED IN CONTINUATION APPLICATION				
	Number filed	Number Extra	Rate	Basic Fee
				\$770.00
Total				
Claims	7 -20=		x \$18.00=	
Independent				
Claims	4 - 3=	1	x \$86.00=	86.00
Multiple				
Dependent Claim(s), if any			\$260.00=	
Filing Fee Calculation				\$856.00

VI. PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT ☐ Attached is a Petition to Suspend Prosecution for the Time Necessary to File an Amendment.

VII. SMALL ENTITY STATEMENT

☐ A verified statement that this is a filing by a small entity is attached.

☒ The undersigned attorney has verified that the assignee is a small entity for filing purposes

☐ The small entity statement was filed in the parent application Serial No. _____ which parent application was filed on _____ and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Reduced Filing Fee Calculation (50% of above) \$ 428.00

VIII. FEE PAYMENT

☒ Filing Fee enclosed \$ 428.00

☐ Fee for Recording Assignment (\$40) \$ _____

☐ Petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00) \$ _____

Total Fees Enclosed \$ 428.00

IX. METHOD OF PAYMENT OF FEES

☒ Enclosed is a check in the amount of \$ 428.00

☐ Charge Deposit Account No. 23-0630 in the amount of \$ _____

- X. AUTHORIZATION TO CHARGE ADDITIONAL FEES
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0630.
- XI. PRIORITY - 35 U.S.C. 119
☐ Priority of application Serial No. 0 / filed on _____ in _____ is claimed under 35 U.S.C. 119.
☐ The certified copy has been filed on _____ in prior U.S. application Serial No. 0 /, filed on _____.
☐ Certified copy will follow.
- XII. RELATE BACK - 35 U.S.C. 120
☒ Amend the Specification by inserting before the first line the sentence:
"This is a continuation application which claims priority from U.S. Application Serial No. 10/070,402, filed on March 1, 2002, which claims priority from and is a 371 of International Application Serial No. PCT/US00/27488, filed on October 5, 2000, which claims priority from U.S. Provisional Application No. 60/157,929, filed October 6, 1999."
- XIII. ASSIGNMENT
☒ The prior application is assigned of record to Bettcher Industries, Inc.
☐ An assignment of the invention to _____ is attached. A separate cover sheet for assignment is also attached.
- XIV. POWER OF ATTORNEY
The power of attorney in the prior application is to Stephen J. Schultz, Reg. No. 29,108.
☒ The power appears in the original papers in the prior application.
☐ The power does not appear in the original papers, but was filed on _____.
☐ A new power of attorney is forthcoming.
- XV. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION
(must be completed and the necessary papers filed in the prior application if the period set in the prior application has run)
☐ A petition and fee are enclosed.
- XVI. CONDITIONAL PETITION FOR EXTENSION OF TIME IN PRIOR APPLICATION
☒ No Petition for extension of time is believed to be required. However, this is a conditional petition for extension of time for the pending prior application in the event that the need for an extension of time has been inadvertently overlooked in the prior application.

XVII. ABANDONMENT OF PRIOR APPLICATION

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or petition to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words ", now abandoned" to the end of the sentence amending the specification in XII above.

XVIII. INFORMATION DISCLOSURE STATEMENT

☒ Submitted herewith is an Information Disclosure Statement.

XIX. Petition to Withdraw from Issue

☐ A Petition to withdraw the prior application from issue is being filed concurrently herewith for consideration of the Information Disclosure Statement filed hereby in connection with the new CIP application.

Date: April 7, 2004



George L. Pirchak, Reg. No. 37,697
WATTS, HOFFMANN CO., L.P.A.
P.O. Box 99839
Cleveland, Ohio 44199-0839
Telephone (216) 241-6700
Fax (216) 241-8151